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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,277	02/09/2004	Hisayuki Kuwahara	2004-0197A	8576

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EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/773,277	Applicant(s) KUWAHARA ET AL.	
	Examiner Robert Sellers	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claims 7-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse as noted in the non-Final rejection mailed April 24, 2006.

The 35 U.S.C. 112, second paragraph, rejection has been resolved by affirmatively denoting the reaction by the term "obtained" and inserting a comma between styrene and the curing accelerator in claim 1.

The certified English translation of Japanese priority application no. 2003-035487 filed February 13, 2003 discloses the same subject matter as that claimed. Therefore, Ichikawa et al. Patent No. 6,908,982 with a filing date of June 18, 2003 and Japanese Patent No. 2004-18711 having a publication date of January 22, 2004 are antedated by the Japanese priority application.

The text of those sections of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed February 13, 2006.

Claims 1-6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of copending application no. 10/669,701 as represented by Koyama et al. Publication No. 2004/0106684 in view of CAPLUS accession no. 1990:425027 to Tanaka et al. and European Patent No. 477,440.

Claims 3, 4, 6, 8-11 and 13-16 of Koyama et al. have been added in response to affirmative denotation in claim 1 of the addition reaction affirmatively obtained from the aliphatic diamine of formula (1) and styrene.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonehama et al. Patent No. 6,562,934 in view of Tanaka et al. and the European patent.

The rejections are maintained for the reasons of record set forth in the non-Final rejection. The arguments filed October 24, 2006 have been considered but are unpersuasive.

1. Tanaka et al. and the European patent are applied as a secondary reference to teach the use of salicylic acid as an accelerator to enhance the curing rate between the epoxy resin and xylylenediamine- or bis(aminomethyl)cyclohexane-styrene addition product of Koyama et al. and Yonehama et al. A secondary need not recite each and every element of the claims; otherwise it would be applicable as a primary reference.
2. The addition reaction products of phenylene or cyclohexylene diamines and styrene of Koyama et al. and Yonehama et al. involve a reaction between the epoxy groups of the epoxy resin and the amino active hydrogens of the addition reaction products (Koyama et al., claims 8-11 and Yonehama et al., col. 9, line 27 to col. 10, line 28, Peaks A to D) equivalent to the amine active hydrogen to epoxy reaction mechanism of Tanaka et al. and the European patent.

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Accordingly, it would have been obvious to one of ordinary skill in the art to conduct the curing reaction in the presence of the salicylic acid accelerator of Tanaka et al. and the European patent in order to improve the cure rate.

3. The declaration filed October 24, 2006 does not address the basis for the *prima facie* obviousness over Koyama et al. or Yonehama et al. in view of Tanaka et al. and the European patent wherein the issue of obviousness is the addition of the salicylic acid accelerator. The declaration compares the 2,4,6-trimethyl-m-phenylenediamine (TMPDA) exemplified in the European patent (page 7, Hardener A-1 and Hardening accelerator b-1) with and without salicylic acid. However, the European patent exemplifies the combination of salicylic acid and TMPDA (page 9, Table 1, Example 5). Therefore, the comparative example without the salicylic acid is not representative of the European patent.

4. The declaration does not address the patentability of the claimed carboxyl and hydroxyl group(s)-containing organic compound as the curing accelerator by comparing the closest prior art addition reaction products of Koyama et al. and Yonehama et al. without a curing accelerator with the claimed curing accelerator throughout a representative sampling of the organic compounds embraced by the claims as described on page 12, lines 1-5 of the specification.

5. The examples of the declaration designate the blend of TMPDA and salicylic acid as curing agent "H" on page 1 and the TMPDA alone as curing agent "I" on page 2, whereas Table 4 exhibits "Epoxy Agent F" and "Epoxy Curing Agent G." It is unknown whether the former curing agents correspond to the tested latter ones.

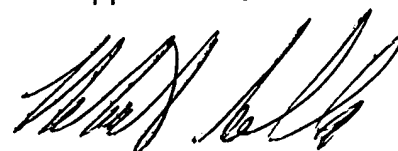
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6. The appearance and water resistance results were "evaluated visually" and the dryness "by touching with finger" according to page 15, the last paragraph to page 16, line 7 and judged according to ratings of excellent, good, fair and poor. Such evaluations cannot be scientifically corroborated in the absence of microphotographic evidence since the results are predicated on the opinion of the observer or person touching the cured film as well as their personal determination of what distinguishes an excellent, good, fair or poor rating.

The amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
rs 11/7/2006



ROBERT SELLERS
PRIMARY EXAMINER